

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

Fill in this information to identify your case:

| | | |
|---------------------------|---------------------------|-------------|
| Debtor 1 | Michael P. Garrett | |
| | First Name | Middle Name |
| Debtor 2 | Yachi M. Garrett | |
| (Spouse, if filing) | First Name | Middle Name |
| Case number (If known) | 19-60376 | |

Check if this is an amended plan.

Chapter 13 Plan and Motion

[Pursuant to Fed. R. Bankr. P. 3015.1, the Southern District of Georgia General Order 2017-3 adopts this form in lieu of the Official Form 113].

1. Notices. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as not being contained in the plan or if neither or both boxes are checked, the provision will be ineffective if set out in the plan.

- (a) This plan: contains nonstandard provisions. See paragraph 15 below.
 does not contain nonstandard provisions.
- (b) This plan: values the claim(s) that secures collateral. See paragraph 4(f) below.
 does not value claim(s) that secures collateral.
- (c) This plan: seeks to avoid a lien or security interest. See paragraph 8 below.
 does not seek to avoid a lien or security interest.

2. Plan Payments.

- (a) The Debtor(s) shall pay to the Chapter 13 Trustee (the "Trustee") the sum of **\$478.00** for the applicable commitment period of:
 60 months: or
 a minimum of 36 months. See 11 U.S.C. § 1325(b)(4).

(If applicable include the following: These plan payments will change to \$_____ monthly on _____.)

- (b) The payments under paragraph 2(a) shall be paid:

Pursuant to a Notice to Commence Wage Withholding, the Debtor(s) request(s) that the Trustee serve such Notice(s) upon the Debtor(s)' employer(s) as soon as practicable after the filing of this plan. Such Notice(s) shall direct the Debtor(s)' employer(s) to withhold and remit to the Trustee a dollar amount that corresponds to the following percentages of the monthly plan payment:

Debtor 1 ____ % Debtor 2 **100** %

Direct to the Trustee for the following reason(s):

- The Debtor(s) receive(s) income solely from self-employment, Social Security, government assistance, or retirement.
- The Debtor(s) assert(s) that wage withholding is not feasible for the following reason(s):

- (c) Additional Payments of **\$0.00** (estimated amount) will be made on _____, _____ (anticipated date) from (source, including income tax refunds).

3. Long-Term Debt Payments.

- (a) **Maintenance of Current Installment Payments.** The Debtor(s) will make monthly payments in the manner specified as follows on the following long-term debts pursuant to 11 U.S.C. § 1322(b)(5). These postpetition payments will be disbursed by either the Trustee or directly by the Debtor(s), as specified below. Postpetition payments are to be applied to postpetition amounts owed for principal, interest, authorized postpetition late charges and escrow, if applicable. Conduit payments that are to be made by the Trustee which

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become due after the filing of the petition but before the month of the first payment designated here will be added to the prepetition arrearage claim.

| CREDITOR | COLLATERAL | PRINCIPAL RESIDENCE (Y/N) | PAYMENTS TO MADE BY (TRUSTEE OR DEBTOR(S)) | MONTH OF FIRST POSTPETITION PAYMENT TO CREDITOR | INITIAL MONTHLY PAYMENT |
|---------------|------------|---------------------------|--|---|-------------------------|
| -NONE- | | | | | |

(b) **Cure of Arrearage on Long-Term Debt.** Pursuant to 11 U.S.C. § 1322(b)(5), prepetition arrearage claims will be paid in full through disbursements by the Trustee, with interest (if any) at the rate stated below. Prepetition arrearage payments are to be applied to prepetition amounts owed as evidenced by the allowed claim.

| CREDITOR | DESCRIPTION OF COLLATERAL | PRINCIPAL RESIDENCE (Y/N) | ESTIMATED AMOUNT OF ARREARAGE | INTEREST RATE ON ARREARAGE (if applicable) |
|---------------|---------------------------|---------------------------|-------------------------------|--|
| -NONE- | | | | |

4. **Treatment of Claims.** From the payments received, the Trustee shall make disbursements as follows unless designated otherwise:

(a) **Trustee's Fees.** The Trustee percentage fee as set by the United States Trustee.

(b) **Attorney's Fees.** Attorney's fees allowed pursuant to 11 U.S.C. § 507(a)(2) of \$4,500.00.

(c) **Priority Claims.** Other 11 U.S.C. § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.

(d) **Fully Secured Allowed Claims.** All allowed claims that are fully secured shall be paid through the plan as set forth below.

| CREDITOR | DESCRIPTION OF COLLATERAL | ESTIMATED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|---------------|---------------------------|-----------------|---------------|-----------------|
| -NONE- | | | | |

(e) **Secured Claims Excluded from 11 U.S.C. § 506 (those claims subject to the hanging paragraph of 11 U.S.C. § 1325(a)).** The claims listed below were either: (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor(s), or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full under the plan with interest at the rate stated below:

| CREDITOR | DESCRIPTION OF COLLATERAL | ESTIMATED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|-------------------|---------------------------|-----------------|---------------|--|
| 1803 Capital, LLC | 2010 Lincoln MKT | \$9,075.00 | 7.00% | \$155/36 Months \$234.00 until paid in full |

(f) **Valuation of Secured Claims to Which 11 U.S.C. § 506 is Applicable.** The Debtor(s) move(s) to value the claims partially secured by collateral pursuant to 11 U.S.C. § 506 and provide payment in satisfaction of those claims as set forth below. The unsecured portion of any bifurcated claims set forth below will be paid pursuant to paragraph 4(h) below. The plan shall be served on all affected creditors in compliance with Fed. R. Bankr. P. 3012(b), and the Debtor(s) shall attach a certificate of service.

| CREDITOR | DESCRIPTION OF COLLATERAL | VALUATION OF SECURED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|-------------------------|--|----------------------------|---------------|-----------------|
| Economy Finance Company | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| Economy Finance Company | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| Modern Finance | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| Money Lion Inc. | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| Money Lion Inc. | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| Sterling Finance | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |

| | | | |
|--------|--|-------------|----------|
| Debtor | Michael P. Garrett Yachi M. Garrett | Case number | 19-60376 |
|--------|--|-------------|----------|

| CREDITOR | DESCRIPTION OF COLLATERAL | VALUATION OF SECURED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|-------------------------------|---|----------------------------|---------------|-----------------|
| World Finance | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| World Finance Co. | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| World Finance Co. | Miscellaneous Household goods and all other collateral | \$1.00 | 0.00% | Min. \$1.00 |
| Swainsboro Financial Services | 2006 Dodge Charger and 2008 Chrysler Pacifica | \$3,400.00 | 7.00% | Min. \$69.00 |
| Swainsboro Financial Services | 1999 Honda Odyssey | \$1,600.00 | 7.00% | Min. \$32.00 |
| Tom's Pawn Central | 2-Laptops, 1-TV, Miscellaneous tools and .45 pistol and all other collateral | \$500.00 | 7.00% | Min. \$10.00 |
| Aaron's, Inc. | 23 Cu. Ft. Black Refrigerator Side by Side | \$230.00 | 0.00% | Min. \$5.00 |
| Aaron's Inc. | King Mattress Tight top Beauty Sleet, 2- King Foundations Silver X2, Eastern King Vlock Mattress Protect and East King Box Wrap 1 Sku For 2 Wraps | \$780.00 | 0.00% | Min. \$15.00 |
| NPRTO Georgia, LLC | Futon Bunkbed Black Twin, Futon Matt Black 6IN#30 and Allerton Twin Mattress | \$475.00 | 0.00% | Min. \$10.00 |

(g) **Special Treatment of Unsecured Claims.** The following unsecured allowed claims are classified to be paid at 100%

with interest at ____% per annum; or without interest:

None

(h) **General Unsecured Claims.** Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in paragraph 4(f) or paragraph 9 of this plan, will be paid a 0.00% dividend or a pro rata share of \$0.00, whichever is greater.

5. **Executory Contracts.**

(a) **Maintenance of Current Installment Payments or Rejection of Executory Contract(s) and/or Unexpired Lease(s).**

| CREDITOR | DESCRIPTION OF PROPERTY/SERVICES AND CONTRACT | ASSUMED/REJECTED | MONTHLY PAYMENT | DISBURSED BY TRUSTEE OR DEBTORS |
|------------------|---|------------------|-----------------|---------------------------------|
| Verizon Wireless | Cell phone contract | Rejected | | |

(b) **Treatment of Arrearages.** Prepetition arrearage claims will be paid in full through disbursements by the Trustee.

| CREDITOR | ESTIMATED ARREARAGE |
|----------|---------------------|
| -NONE- | |

6. **Adequate Protection Payments.** The Debtor(s) will make pre-confirmation lease and adequate protection payments pursuant to 11 U.S.C. § 1326(a)(1) on allowed claims of the following creditors: Direct to the Creditor; or To the Trustee

| CREDITOR | ADEQUATE PROTECTION OR LEASE PAYMENT AMOUNT |
|----------|---|
| -NONE- | |

7. **Domestic Support Obligations.** The Debtor(s) will pay all postpetition domestic support obligations direct to the holder of such claim identified here. See 11 U.S.C. § 101(14A). The Trustee will provide the statutory notice of 11 U.S.C. § 1302(d) to the following claimant(s):

| CLAIMANT | ADDRESS |
|----------|---------|
| -NONE- | |

8. **Lien Avoidance.** Pursuant to 11 U.S.C. § 522(f), the Debtor(s) move(s) to avoid the lien(s) or security interest(s) of the following creditor(s), upon confirmation but subject to 11 U.S.C. § 349, with respect to the property described below. The plan shall be served on all

Debtor Michael P. Garrett Yachi M. Garrett Case number 19-60376

affected creditor(s) in compliance with Fed. R. Bankr. P. 4003(d), and the Debtor(s) shall attach a certificate of service.

| CREDITOR | LIEN IDENTIFICATION (if known) | PROPERTY |
|-------------------------------|--------------------------------|-------------------------------|
| Economy Finance Company | | Miscellaneous Household Goods |
| Economy Finance Company | | Miscellaneous Household Goods |
| Modern Finance | | Miscellaneous Household Goods |
| Money Lion Inc. | | Miscellaneous Household Goods |
| Money Lion Inc. | | Miscellaneous Household Goods |
| Sterling Finance | | Miscellaneous Household Goods |
| Swainsboro Financial Services | | Miscellaneous Household Goods |
| Swainsboro Financial Services | | Miscellaneous Household Goods |
| World Finance Co. | | Miscellaneous Household Goods |
| World Finance Co. | | Miscellaneous Household Goods |
| World Finance Co. | | Miscellaneous Household Goods |

9. **Surrender of Collateral.** The following collateral is surrendered to the creditor to satisfy the secured claim to the extent shown below upon confirmation of the plan. The Debtor(s) request(s) that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 1301 be terminated in all respects. Any allowed deficiency balance resulting from a creditor's disposition of the collateral will be treated as an unsecured claim in paragraph 4(h) of this plan if the creditor amends its previously-filed, timely claim within 180 days from entry of the order confirming this plan or by such additional time as the creditor may be granted upon motion filed within that 180-day period.

CREDITOR DESCRIPTION OF COLLATERAL AMOUNT OF CLAIM SATISFIED
-NONE-

10. **Retention of Liens.** Holders of allowed secured claims shall retain the liens securing said claims to the full extent provided by 11 U.S.C. § 1325(a)(5).

11. **Amounts of Claims and Claim Objections.** The amount, and secured or unsecured status, of claims disclosed in this plan are based upon the best estimate and belief of the Debtor(s). An allowed proof of claim will supersede those estimated claims. In accordance with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure objections to claims may be filed before or after confirmation.

12. **Payment Increases.** The Debtor(s) will increase payments in the amount necessary to fund allowed claims as this plan proposes, after notice from the Trustee and a hearing if necessary, unless a plan modification is approved.

13. **Federal Rule of Bankruptcy Procedure 3002.1.** The Trustee shall not pay any fees, expenses, or charges disclosed by a creditor pursuant to Fed. R. Bankr. P. 3002.1(c) unless the Debtor(s)' plan is modified after the filing of the notice to provide for payment of such fees, expenses, or charges.

14. **Service of Plan.** Pursuant to Fed. R. Bankr. P. 3015(d) and General Order 2017-3, the Debtor(s) shall serve the Chapter 13 plan on the Trustee and all creditors when the plan is filed with the court, and file a certificate of service accordingly. If the Debtor(s) seek(s) to limit the amount of a secured claim based on valuation of collateral (paragraph 4(f) above), seek(s) to avoid a security interest or lien (paragraph 8 above), or seek(s) to initiate a contested matter, the Debtor(s) must serve the plan on the affected creditors pursuant to Fed. R. Bankr. P. 7004. See Fed. R. Bankr. P. 3012(b), 4003(d), and 9014.

15. **Nonstandard Provisions.** Under Fed. R. Bankr. P. 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise in this local plan form or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

By signing below, I certify the foregoing plan contains no nonstandard provisions other than those set out in paragraph 15.

Dated: September 19, 2019

/s/ Michael P. Garrett

Michael P. Garrett

Debtor 1

/s/ Yachi M. Garrett

Yachi M. Garrett

Debtor 2

/s/ J. Michael Hall

J. Michael Hall 319333

Attorney for the Debtor(s)

Debtor

Michael P. Garrett
Yachi M. Garrett

Case number

19-60376

**United States Bankruptcy Court
For the Southern District of Georgia**

In the Matter of:) **Chapter 13 Bankruptcy**
)
 Michael P. Garrett and) **Case No. 19-60376**
 Yachi M. Garrett,)
)
Debtors.)

CERTIFICATE OF SERVICE

I certify that I have served the Plan by United States standard first-class mail to the Chapter 13 Trustee, the US Trustee, and creditors on the attached mailing matrix:

| | |
|--|--|
| O. Byron Meredith, III Chapter 13 Trustee PO Box 10556 Savannah, GA 31412 | Office of the U.S. Trustee Johnson Square Business Center 2 E Bryan Street, Ste. 725 Savannah, GA 31401 |
|--|--|

This 30th day of September, 2019.

/s/ J. Michael Hall.
Attorney Bar No. 319333
Attorney for Debtors
Hall & Navarro, LLC
5 Oak Street
Statesboro, GA 30458
Telephone: (912) 764-6757
E-Mail: mhall@hallnavarro.com

Label Matrix for local noticing

113J-6

Case 19-60376-EJC

Southern District of Georgia

Statesboro

Mon Sep 30 10:32:53 EDT 2019

Brigit Inc.

838 6th Ave.

New York NY 10001-4194

1803 Capital, LLC

2600 Belle Chase Hwy. #206

Gretna LA 70056-7156

Aaron's, Inc.

d/b/a Aaron's

426 S Main St.

Swainsboro GA 30401-3644

(p)CAPITAL ONE

PO BOX 30285

SALT LAKE CITY UT 84130-0285

Credit One Bank

6801 S Cimarron Road

Las Vegas NV 89113-2273

Credit One Bank

6801 S Cimarron Road

Las Vegas NV 89113-2273

Dave Inc.

1265 S Chhchan Ave.

Los Angeles CA 90019-2846

Dept. of Ed/Nelnet

121 South 13th St.

Lincoln NE 68508-1904

Dish Network

PO Box 9033

Littleton CO 80160-9033

Economy Finance Company

Walters Management Company

34 SE Broad St.

Metter GA 30439-4428

Fingerhut/Webbank

6250 Ridgewood Road

Saint Cloud MN 56303-0820

GA Dept. of Revenue

Compliance Division, ARCS-Bankruptcy

1800 Century Blvd. NW, Ste. 9100

Atlanta GA 30345

Michael P. Garrett

670 N Coleman Street

Swainsboro, GA 30401-3731

Yachi M. Garrett

670 N Coleman Street

Swainsboro, GA 30401-3731

Georgia Student Finance Authority

2082 E Exchange Place

Ste. 200

Tucker GA 30084-5334

J. Michael Hall

Hall & Navarro, LLC

5 Oak Street

Statesboro, GA 30458-4848

Indigo-Celtic Bank

PO Box 4499

Beaverton OR 97076-4499

Internal Revenue Service

Centralized Insolvency Operation

PO Box 7346

Philadelphia PA 19101-7346

(p) JEFFERSON CAPITAL SYSTEMS LLC

PO BOX 7999

SAINT CLOUD MN 56302-7999

LVNV Funding, LLC

625 Pilot Road

Ste. 2/3

Las Vegas NV 89119-4485

Lanier Collection Agency

PO Box 15519

Savannah GA 31416-2219

Maurices Capital One

PO Box 4144

Carol Stream IL 60197-4144

O Byron Meredith III

P O Box 10556

Savannah, GA 31412-0756

Michael P. Garrett

Yachi M. Garrett

670 N Coleman Street

Swainsboro GA 30401-3731

Modern Finance

42 SE Broad St

Metter GA 30439-4428

Money Lion Inc.

30 W 21st Street

Floor 9

New York NY 10010-6957

NPRTO Georgia, LLC

256 West Data Drive

Draper UT 84020-2315

Northland Comm

PO Box 790307

Saint Louis MO 63179-0307

Office of the U. S. Trustee

Johnson Square Business Center

2 East Bryan Street, Ste 725

Savannah, GA 31401-2638

Online Information Services
685 W Fire Tower Road
Winterville NC 28590-9232

Pineland Telephone Cooperative
PO Box 678
Metter GA 30439-0678

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

(p) PROFESSIONAL DEBT MEDIATION
7948 BAYMEADOWS WAY
2ND FLOOR
JACKSONVILLE FL 32256-8539

Ray Medical Clinic
401 W Main St.
Swainsboro GA 30401-3110

South GA Radiology
POBox 15727
Savannah GA 31416-2427

Sterling Finance
1100 Hill Crest Parkway
Ste. A3
Dublin GA 31021-4368

Swainsboro Financial Services
521 South Main St.
Swainsboro GA 30401-4875

Swainsboro Financial Services
621 S Main Street
Swainsboro GA 30401

Tom's Pawn Central
216 N Coleman Street
Swainsboro GA 30401-3551

Verizon Wireless
PO Box 3397
Bloomington IL 61702-3397

World Finance Co.
108 Frederick Street
Greenville SC 29607-2532

Zebit
9530 Towne Centre Dr.
Ste. 200
San Diego CA 92121-1981

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One Bank USA, NA
PO Box 85015
Richmond VA 23285-5075

Jefferson Capital Systems
16 McLeland Rd
Saint Cloud MN 56303

Portfolio Recovery Assoc.
120 Corporate Blvd.
Ste. 100
Norfolk VA 23502

Professional Debt. Mediation
7948 Bay Meadows Way
2nd Floor
Jacksonville FL 32207

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Economy Finance Company
Walters Management Company
34 SE Broad Street
Metter GA 30439-4428

(d) J. Michael Hall
Hall & Navarro, LLC
5 Oak Street
Statesboro, GA 30458-4848

| | |
|---------------------|----|
| End of Label Matrix | |
| Mailable recipients | 42 |
| Bypassed recipients | 2 |
| Total | 44 |